

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

BRIAN CONERLY, et al.

PLAINTIFFS

vs.

No. 2:06cv205KS-MTP

MARSHALL DURBIN FOOD CORPORATION

DEFENDANT

ORDER DENYING MOTION TO COMPEL INSPECTION

THIS MATTER is before the court on the Plaintiffs' expedited motion [170] to compel inspection of the defendant's premises, and the court having considered the motion, the response and the arguments of counsel during a telephonic hearing held this day finds that the motion should be DENIED.

First, Plaintiffs' last-minute demand for inspection does not merit expedited relief. Second, Plaintiffs' motion was filed prior to a reasonable good-faith effort to resolve a discovery issue without court intervention. Third, the "informally served" request for inspection does not comply with rule 34 of the Federal Rules of Civil Procedure.

Nothing in this order prevents the parties from agreeing in good faith to the time, date, and parameters of an inspection of the subject premises. Likewise, this order does not prevent plaintiffs from requesting an inspection in accordance with the Federal Rules of Civil Procedure.

MOTION DENIED.

SO ORDERED on August 29, 2008.

s/ Michael T. Parker

United States Magistrate Judge